

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**ONCOLOGY TECH, LLC,
Plaintiff**

v.

**ELEKTA AB and ELEKTA, INC.,
A WHOLLY OWNED INDIRECT
SUBSIDIARY OF ELEKTA AB,
Defendants**

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CASE NO. 5:12-CV-00314-HLH

**JOINT STIPULATION REGARDING DISCLOSURE OF EXPERT TESTIMONY
PURSUANT TO FED. R. CIV. P. 26(a)(2)**

Pursuant to FED. R. CIV. P. 29(b), **IT IS HEREBY JOINTLY STIPULATED AND AGREED** by and between Plaintiff, **ONCOLOGY TECH** (“Plaintiff”), on the one hand, and Defendants, **ELEKTA, INC., IMPAC MEDICAL SYSTEMS, INC. and ELEKTA HOLDINGS US, INC.** (“Defendants”), on the other hand that the disclosure of expert testimony required by FED. R. Civ. P. 26(a)(2) proceed as follows:

1. **IT IS HEREBY JOINTLY STIPULATED AND AGREED THAT** neither Plaintiff nor Defendants shall be required to provide the following items outlined in Federal Rule of Civil Procedure (26)(a)(2) for those witnesses retained or specially employed by either Plaintiff or Defendants to provide expert testimony on the issue of reasonable and necessary attorneys’ fees:

- a. a complete statement of all opinions the witness will express and the basis and reasons for them as required by Federal Rule of Civil Procedure 26(a)(2)(i); and
- b. the witness’s qualifications, including a list of all publications authored in the previous 10 years as required by Federal Rule of Civil Procedure 26(a)(2)(iv).

2. **IT IS FURTHER JOINTLY STIPULATED AND AGREED THAT**, in lieu of the requirements set forth above, the disclosure of expert testimony from any witness retained or specially employed by Plaintiff or Defendants to provide expert testimony on the issue of reasonable and necessary attorneys' fees will instead include the following:

- a. the subject matter on which the witness is expected to present evidence under Federal Rule of Evidence 702, 703 or 705 and a summary of the facts and opinions to which the witness is expected to testify as outlined in Federal Rules of Civil Procedure 26(a)(2)(C)(i) & (ii); and
- b. a *curriculum vitae* provided by the witness to include the witness's qualifications; however, a list of publications authored in the previous 10 years shall not be required.


3. **IT IS FURTHER JOINTLY STIPULATED AND AGREED** that Plaintiff and Defendants shall disclose the following for those witnesses retained or specially employed by either Plaintiff or Defendants to provide expert testimony on the issue of reasonable and necessary attorneys' fees:

- a. the facts or data considered by the expert in forming the opinions as required by Federal Rule of Civil Procedure 26(a)(2)(B)(ii);
- b. any exhibits that will be used to summarize or support the opinions as required by Federal Rule of Civil Procedure 26(a)(2)(B)(iii); and
- c. a statement of the compensation to be paid for the study and testimony in the case as required by Federal Rule of Civil Procedure 26(a)(2)(B)(vi).

Dated: January 29, 2013

Respectfully agreed to and submitted by:

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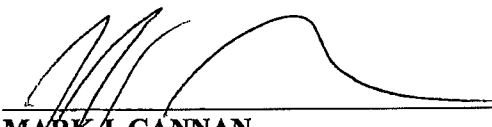
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